

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY
Plaintiff

VS.

TRACY REEVES, ET AL.
Defendant

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

STATEMENT OF VERIFICATION

I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: 3/22/08

By:

Cassius M. Clay Sr.

Cassius M. Clay, Sr.
Pro se Plaintiff

FILED

MAR 26 2008

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

EXHIBIT A #1

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Angie Marhafka		2. Date: 9-03-04	
3. By: (Print Inmate Name and Number) CASSIUS M. CLAY DQ5954 <u>Cassius M. Clay</u> Inmate Signature		4. Counselor's Name Mrs. Tucci	
		5. Unit Manager's Name Mr. Wingoro	
6. Work Assignment Law-Lib.		7. Housing Assignment L-16	
8. Subject: State your request completely but briefly. Give details.			
<p>I have been told to get intouch with you concerning a hearing by Video Conferencing, as I have a Court Order for the 22nd of Oct. I would like to make Arrangements ahead of time, so that everyone would be prepared, and Notified, as this is for the FAMILY DIVISION and I have to represent My-Self.</p>			
Thank You			
cc/file			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
 Print Sign

EXHIBIT A #2

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) MS. TUCCI (counselor)		2. Date: 10-21-04	
3. By: (Print Inmate Name and Number) CASSIUS M. CLAY DQ5957 Cassius Clay Inmate Signature		4. Counselor's Name MS. TUCCI	
6. Work Assignment Law-Lib		5. Unit Manager's Name MR. WINGARO	
7. Housing Assignment L-1p		8. Subject: State your request completely but briefly. Give details.	
<p>I AM WRITING TODAY TO INFORM YOU THAT I HAVE A COURT PROCEEDING IN THE FAMILY COURT TOMMOROW, AND AS PER OUR CONVERSATION, I WROTE MRS. MARHEFKA, AND SHE HAS NOT ANSWERED BACK YET.</p> <p>I WOULD LIKE TO KNOW IF MY HEARING BY VIDEOCONFERENCEING WILL BE TOMMOROW OR NOT, AS I AM NOT ON THE CALL OUT??</p> <p>CAN YOU GET IN CONTACT WITH MRS. MARHEFKA AND ASK HER IF SHE MADE ARRANGEMENTS?</p> <p>THANK YOU FOR YOUR TIME IN THIS VERY IMPORTANT MATTER</p> <p>THANKS</p> <p>Cassius Clay</p>			
9. Response: (This Section for Staff Response Only)			
<p>Mr. clay,</p> <p>I contacted Mrs. Marhefka and she has no notification of any videoconference scheduled for you.</p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

R. Tucci

Print

[Signature]

Sign

Date

10/21/04

copy
EXHIBIT B #1

APRIL 17, 2003

Chief Hearing Examiner

1451 N. Market St.

Elizabethtown, PA 17022

IN RE: GRIEVANCE #41097

Dear Sirs;

Today I am writting in hope of getting some information and insight, concerning my Grievance. On January 11, 2003; I had Grieved the Mail Procedure here at S.C.I. Greensburg: in that the Staff Violated the Incomming, and Outgoing Procedures, by not Notifing Me, Nor the Sender of the Mail that; the Mail was returned. (inwhich untill this day No-one has sen this Letter, nor the Contents).

It has been over 2 Months since I have sent the Grievance to Camp Hill, (see copy of inclosed letter, that was mailed the same day, which was Notorized). I hope and Pray that someone really looks into the Mail System here, beacuse it is really in Shambles, and needs to be totally Revamped.

I Appreaciate Your Time In this Very Important Matter.

Cassius M. Clay

Cassius M. Clay/DQ5954

R.D. #10, Box 10

Greensburg, PA 15601

Enclosure 1

cc:/File

COPY
EXHIBIT B #2

APRIL 17, 2003

Chief SECRETARYS OFFICE
INMATE GRIEVANCES and APPEALS
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

IN RE: GRIEVANCE #41097

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I Appreaciate Your Time In this Very Important Matter.

Cassius M. Clay

Cassius M. Clay DQ5954

R.D. #10, Box 10

Greensburg, PA 15601

EXHIBIT B #3

February 11, 2003

Chief, Secretary's Office of
Inmate Grievances and Appeals
DEPARTMENT of CORRECTIONS
2520 Lisburn Road, P.O.Box 598
Camp Hill, PA 17001-0598

Dear Sirs;

I am writting today in response to GRIEVANCE #41097, In which the manner of Mail is being handled here at S.C.I. GREENSBURG. As I believe this is a very important matter, I would ask , that someone would really look into this continuing problem with the Mail being misplaced, lost, and returned without the Inmates knowledge and being sent to addresses other than where it was adressed to.

I will also be sending a copy of this to Jeffery A. Beard, and also to my lawyer.

SWORN AND SUBSCRIBED BEFORE ME THIS

10th DAY OF April 2003

Notarial Seal
Marie E. Combs, Notary Public
Hempfield Twp., Westmoreland County
My Commission Expires May 17, 2004

Sincerely Yours

Cassius Clay

Cassius Clay

Cassius Clay

DQ-5954

S.C.I. Greensburg

R.D.#10, Box 10

Greensburg, PA 15601

cc/ File

EXHIBIT C #1

U.S. DISTRICT COURT, W.D.

DONETTA W. AMBROSE, CHIEF JUDGE

U.S. Post Office & Courthouse

700 Grant Street

Pittsburgh, PA 15219-1906

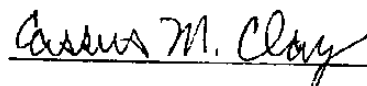
IN RE: CIVIL ACTION No. 04-282

Reconsideration motion

Justice Ambrose;

Greetings, today I am writing with grave concern in regard of the correspondence I had Recieved on March 23, 2005, from the Clerk of Court Robert V. Barth Jr., which stated that you Denied My Motion for Reconsideration, on the 25th of October, 2004. I would like to State for the Record now that, I NEVER recieved any Denial.

I Petitioned the Court on Two Different Occasions because I addressed the Motion Straight to your Chambers, and the Clerk sent it back, and I did not place the Petition back in the mail until the 27th of October, 2004. Where again the Correspondence stated that you Denied the Motion on the 25? I Don't know how this could have happened, and as such, I would like to apply for a C.O.A. and a Notice of Appeal, which the Correspondence stated that you Granted on November 12, 2004, which I Did Not Recieve Either. I would like to know if I can apply now, or in the Next 30 days? THANK YOU FOR YOUR TIME IN THIS VERY IMPORTANT MATTER.



CASSIUS M. CLAY DQ5954

P.O. Box 945

Marienville. Pa 16239

EXHIBIT C #2

HPS-153 (September 2005)

September 23, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUITC.A. No. 05-3013

CASSIUS M. CLAY, SR.

vs.

LAWRENCE P. BENNING, ET. AL
(W.D. PA. CIV. No. 04-CV-00282)Present: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's response thereto;
- (3) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) and memorandum of law in support;
- (4) Appellant's supplement to request for a certificate of appealability; and
- (5) Appellant's Motion for Appointment of Counsel

in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing appeal is dismissed as untimely. The time periods prescribed for filing a notice of appeal are "mandatory and jurisdictional," Browder v. Director of Dep't of Corrections, 434 U.S. 257, 264 (1978), and thus not subject to equitable tolling, see Shendock v. Director, Office of Worker's Compensation Programs, 893 F.2d 1458,

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY
Plaintiff

VS.

TRACY REEVES, ET AL.
Defendant

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

CERTIFICATE OF SERVICE

I certify that on this 22nd day of MARCH, 2008, I submitted the original of this document to prison officials at the State Correctional Institution of Pittsburgh by placing the same in the prison mailbox addressed to Office of the Clerk, U.S. District Court, Western District of PA, P.O. Box 1820, Erie, PA 16507; and that I also submitted a separate true and correct copy of this document to the same prison officials at the State Correctional Institution at Forest by again, placing the same in the prison mailbox addressed to Mary Friedline, Esq., Deputy Attorney General, Office of the Attorney General, 6th Flr., Manor Complex. 564 Forbes Ave., Pittsburgh, PA 15129. (All sent First Class Mail)

Date: 3/22/08

By: Cassius M. Clay Sr.

Cassius M. Clay, Sr.
Pro se Plaintiff